

June 17, 2022 3:25 PM

U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGANems Scanned by ES/6/17US District Court for The Western District**US Court**

399 Federal Bldg
110 Michigan St NW
Grand Rapids 49503

1:22-cv-564Phillip J. Green
United States Magistrate Judge

Alonzo Shaffer
2860 S 9th st apt 3
Kalamazoo MI 49009
Plaintiff

V

Berrien County St Jo Sheriff Department
650 E St centreville MI
Individual Deputies, Kindig/Mohney
Defendant

Factual Grivence

1. This action arises under 42 USC 1983. Jurisdiction is conferred by 28 USC 1331, 1343(a)(3), (4).
2. Complainant individual residing in Kalamazoo County, MI.
3. **Berrien** County St Jo MI is a governmental entity.
4. Kindig is an individual and corrections officer employed by **Berrien** County St Jo MI.
- 5 . Mohney is an individual and corrections officer employed by **Berrien** County St Jo MI.
6. That on approximately october 11, 2019, Plaintiff was an inmate lodged with the **Berrien** County St Jo MI
7. That on october 11, 2019 Plaintiff was assaulted by defendants Kindig /Mohney .
8. That is when Defendant Kindig Defendant Mohney commanded that Plaintiff get to otherside of jail.
9. That when Plaintiff did not obey Defendant kindig defendant Mohney command to get to the Otherside of jail
10. Plaintiff could not move due to pain, inability.
11. Plaintiff asked for a wheelchair sitting still in front of booking window.
12. Defendants kindig an Defendant Mohney yelled out this is our jail then proceeded to rush Plaintiff for asking for a wheelchair.
13. That upon their arrival Defendant kindig Defendant Mohney immediately used excessive force On Plaintiff.
14. In the meantime, it appears that individual personnel on other side of booking window fully Observing wanton attack onto plaintiff
15. That in order to protect himself from Defendant kindig Defendant Mohney attack, Plaintiff screamed out to other personnel employed by **Berrien** County St Jo MI its jail .
16. County St Jo MI failed to protect plaintiff
17. Plaintiff became confused why two Defendants Kindig Defendant Mhony would attack at the Sametime debble team plaintiff for asking for a wheelchair.
18. Defendant kindig proceeded to use excessive force by painfully rushing snatching Dragging slamming Plaintiff across a hard cellfloor.
19. Plaintiff suffered serious injuries as a result of Defendant kindig and Defendant Mhony actions, Including but not limited to spinal injuries, nerve damage, and emotional distress.

Count I – Violation of 42 USC 1983 by Defendant kindig

20. Plaintiff Incorporates the forgoing paragraphs as if fully restated herein.
21. The Eighth Amendment of the U.S. Constitution provides, in pertinent part, that excessive bail Shall not be required nor excessive fines be imposed nor cruel and unusual punishments be inflicted.
22. Defendant Kindig violated Plaintiff's constitutionally protected Eighth Amendment rights by Exhibiting excessive force upon Plaintiff after plaintiff asked for a willcharethe.
23. Defendant Kindig's decision to refuse wheelchair and rush grab drag slam Plaintiff to the ground while sitting still and amidst cries of pain from Plaintiff showed deliberate indifference to the medical needs of Plaintiff. This violated his constitutionally protected Eighth Amendment right To be free from cruel and unusual punishment.
24. As a direct and proximate result of Defendant Kindig actions, Plaintiff has suffered physical and Emotional injury, loss of his upper lower extremities, loss of freedom, and other constitutionally protected rights described above.
WHEREFORE Plaintiff respectfully request that this Honorable Court enter judgment against Defendant kindig in an amount of 3,500,000usd the damages sustained.

Count II – Violation of 42 USC 1983 by Defendant Mohney

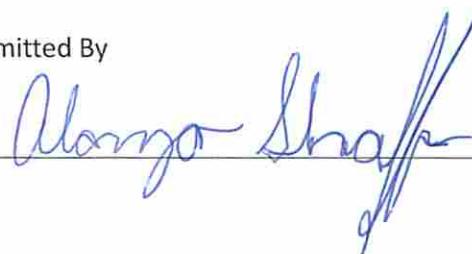
25. Plaintiff Incorporates the forgoing paragraphs as fully restated herein.
26. The Eighth Amendment of the U.S. Constitution provides, in pertinent part, that excessive bail shall not be required nor excessive fines be imposed nor cruel and unusual punishments be inflicted.
27. Defendant Mhony violated Plaintiff's constitutionally protected Eighth Amendment rights by exhibiting excessive force upon Plaintiff Defendant Kindig and Defendant Mohney.
28. Defendant Mohney decision to Use excessive force on Plaintiff by painfully rushing snatching dragging while Plaintiff being compliant with Defendant Kindig Defendant Mohney . Amidst cries of pain from Plaintiff. St Jo County MI et., a...I showed deliberate indifference to The medical needs of Plaintiff. This is a Violation of his constitutional Immune protected
29. As a direct and proximate result of Defendant Mhony actions, Plaintiff has suffered physical and emotional injury, loss of his lower extremities, loss of freedom, and other constitutionally protected rights described above.
WHEREFORE Plaintiff respectfully requests that this Honorable Court enter judgment Against Defendant Mhony in an amount of 3,500,000usd for the damages sustained.

Count III – Violation of 42 USC 1983 by Defendant Berrien County St Jo MI

30. Plaintiff incorporates the foregoing paragraphs as if fully restated herein.
31. When events in complaint occurred Defendant deputies were acting within scope of Employment, under the color of Law At all material times, Defendant Berrien County st Jo MIMichigan , et., al... Employed both deputies Defendant Kindig /Defendant Mohney.
Both deputies are liable for their acts. The County is liable because of its customs, which led to this complaint of violation. WHEREFORE Plaintiff respectfully requests that your Honorable Western District of Michigan court , Enter judgment against Defendant Berrien County St Jo MI punitively, legal fees, in the amount, 3,500,000usd for Damages, Sustained et., al..

Respectfully Submitted By

Alonzo Shaffer



06/17/2022